

AMENDED IN SENATE AUGUST 29, 2003

AMENDED IN ASSEMBLY MAY 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1096**

**Introduced by Assembly Member ~~Harman~~ *Bermudez***  
*(Principal coauthor: Senator Escutia)*  
*(Coauthor: Assembly Member Harman)*

February 20, 2003

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~~An act to amend Section 3074 of the Civil Code, and to amend Section 22851.12 of the Vehicle Code, relating to vehicles. An act to add Section 14533.1 to the Government Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as amended, ~~Harman~~ *Bermudez*. ~~vehicles; lienholder~~  
*Transportation projects.*

*Existing law requires the California Transportation Commission to adopt and submit to the Legislature and Governor a state transportation improvement program that includes a list of transportation projects expected to receive transportation funding during the next 5 years. Under existing law, the commission may only allocate funds for projects included in the program.*

*This bill would require the commission to allocate, from funds appropriated for the state transportation improvement program, the sum of \$166,200,000 for specified transportation projects.*

~~Under existing law, whenever a vehicle has been removed to a garage under a peace officer's or a traffic employee's direction, and the keeper~~

of the garage has mailed a specified notice or notices, the keeper of the garage has a lien dependent upon possession of the vehicle for his or her compensation for towage and storage costs. The lienholder may charge a fee for the lien sale preparation not to exceed a certain amount based on the vehicle's value. However, this charge may not be made in the case of a vehicle redeemed prior to 72 hours from the initial storage.

~~This bill would prohibit charging the fee if the vehicle is redeemed prior to 3 business days, rather than 72 hours, after the date of the initial storage.~~

~~The bill would make conforming changes in related provisions of existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 3074 of the Civil Code is~~  
2     *SECTION 1. Section 14533.1 is added to the Government*  
3     *Code, to read:*  
4     *14533.1. Notwithstanding any other provision of law, from*  
5     *funds appropriated for the State Transportation Improvement*  
6     *Program, the commission shall allocate the sum of one hundred*  
7     *sixty-six million two hundred thousand dollars (\$166,200,000) for*  
8     *the following projects:*  
9     *(a) The sum of one million five hundred thousand dollars*  
10    *(\$1,500,000) for the widening of the segment of State Highway*  
11    *Route 605 between the county line of Orange County and the*  
12    *interchange with State Highway Route 5 and to reconstruct major*  
13    *interchanges and enhance major arterials in that vicinity.*  
14    *(b) The sum of thirty-six million five hundred thousand dollars*  
15    *(\$36,500,000) for improvements to the Carmenita Overcrossing*  
16    *structure.*  
17    *(c) The sum of one hundred twenty-eight million two hundred*  
18    *thousand dollars (\$128,200,000) for the construction of a high*  
19    *occupancy vehicle lane on the segment of State Highway Route 5*  
20    *between State Highway Routes 170 and 118, to reconstruct the*  
21    *interchange between State Highway Routes 5 and 170, and to*  
22    *improve soundwalls, undercrossings, and on and off ramps in that*  
23    *vicinity.*  
24    ~~amended to read:~~

1     ~~3074. The lienholder may charge a fee for lien sale~~  
2 ~~preparations, not to exceed seventy dollars (\$70), in the case of a~~  
3 ~~vehicle having a value determined to be four thousand dollars~~  
4 ~~(\$4,000) or less, and not to exceed one hundred dollars (\$100), in~~  
5 ~~the case of a vehicle having a value determined to be greater than~~  
6 ~~four thousand dollars (\$4,000), from any person who redeems the~~  
7 ~~vehicle prior to its disposal or from the proceeds of a lien sale~~  
8 ~~conducted under this chapter. These charges may commence and~~  
9 ~~become part of the possessory lien when the lienholder requests the~~  
10 ~~names and addresses of all persons having an interest in the vehicle~~  
11 ~~from the Department of Motor Vehicles. Not more than 50 percent~~  
12 ~~of the allowable fee may be charged until the lien sale notifications~~  
13 ~~are mailed to all interested parties and the lienholder or registration~~  
14 ~~service agent has possession of the required lien processing~~  
15 ~~documents. This charge may not be made in the case of a vehicle~~  
16 ~~redeemed prior to three business days after the date of the initial~~  
17 ~~storage. Not more than two business days after receiving a written~~  
18 ~~request for documentation supporting the charge from the person~~  
19 ~~redeeming the vehicle, the lienholder shall send the supporting~~  
20 ~~documentation to that person.~~

21     ~~SEC. 2.—Section 22851.12 of the Vehicle Code is amended to~~  
22 ~~read:~~

23     ~~22851.12. The lienholder may charge a fee for lien sale~~  
24 ~~preparations, not to exceed seventy dollars (\$70), in the case of a~~  
25 ~~vehicle having a value determined to be four thousand dollars~~  
26 ~~(\$4,000) or less, and not to exceed one hundred dollars (\$100), in~~  
27 ~~the case of a vehicle having a value determined to be greater than~~  
28 ~~four thousand dollars (\$4,000), from any person who redeems the~~  
29 ~~vehicle prior to its disposal, or from the proceeds of a lien sale~~  
30 ~~conducted under this chapter. These charges may commence and~~  
31 ~~become part of the possessory lien when the lienholder requests the~~  
32 ~~names and addresses of all persons having an interest in the vehicle~~  
33 ~~from the department. Not more than 50 percent of the allowable~~  
34 ~~fee may be charged until the lien sale notifications are mailed to~~  
35 ~~all interested parties and the lienholder or the registration service~~  
36 ~~agent has possession of the required lien processing documents.~~  
37 ~~This charge may not be made in the case of a vehicle redeemed~~  
38 ~~prior to three business days after the date of the initial storage. Not~~  
39 ~~more than two business days after receiving a written request for~~  
40 ~~documentation supporting the charge from the person redeeming~~

1 ~~the vehicle, the lienholder shall send the supporting~~  
2 ~~documentation to that person.~~

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